

SECOND REGULAR SESSION  
[P E R F E C T E D]  
SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILLS NOS. 1021 & 870**  
**94TH GENERAL ASSEMBLY**

INTRODUCED BY SENATOR LOUDON.

Offered May 7, 2008.

Senate Substitute adopted, May 7, 2008.

Taken up for Perfection May 7, 2008. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

4656S.09P

**AN ACT**

To repeal sections 334.010, 334.120, 334.260, and 376.1753, RSMo, and to enact in lieu thereof fifteen new sections relating to the practice of midwifery, with penalty provisions and an emergency clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 334.010, 334.120, 334.260, and 376.1753, RSMo, are repealed and fifteen new sections enacted in lieu thereof, to be known as sections 324.1230, 324.1231, 324.1233, 324.1235, 324.1237, 324.1239, 324.1240, 324.1241, 324.1242, 324.1243, 324.1244, 324.1245, 334.010, 334.120, and 376.1753, to read as follows:

**324.1230. As used in sections 324.1230 to 324.1245, the following terms shall mean:**

- (1) "Antepartum", before birth;**
- (2) "Board", the board of professional midwives;**
- (3) "Client", a person who retains the services of a professional midwife;**
- (4) "Division", the division of professional registration;**
- (5) "Intrapartum", during birth;**
- (6) "Postpartum", after birth;**
- (7) "Practice of professional midwifery", the science and art of examination, evaluation, assessment, counseling, and treatment of**

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

12 women and infants by a professional midwife in the antepartum,  
13 intrapartum, and postpartum period by those methods commonly  
14 taught in any midwifery school, or midwifery program in a university  
15 or college which has been accredited by the Midwifery Education  
16 Accreditation Council, its successor entity or approved by the board;  
17 including identifying and referring women who require obstetrical or  
18 other professional care. It shall not include the use of operative  
19 surgery, nor the prescribing of drugs. The practice of professional  
20 midwifery is not the practice of medicine or osteopathy within the  
21 meaning of chapter 334, RSMo, and not subject to the provisions of the  
22 chapter. The practice of professional midwifery is not the practice of  
23 nurse-midwifery or nursing within the meaning of chapter 335, RSMo,  
24 and not subject to the provisions of the chapter;

25 (8) "Professional midwife", any person who is certified by the  
26 North American Registry of Midwives (NARM) as a certified  
27 professional midwife (CPM) and provides for compensation those skills  
28 relevant to the care of women and infants in the antepartum,  
29 intrapartum, and postpartum period.

324.1231. 1. There is hereby created and established within the  
2 division of professional registration a "Board of Professional Midwives"  
3 which consists of five members appointed by the governor with the  
4 advice and consent of the senate. Each member shall be a United States  
5 citizen and a resident of this state for at least one year immediately  
6 preceding their appointment. Of these five members, one member shall  
7 be a public member, four members shall be licensed professional  
8 midwives who attend births in homes or other out-of-hospital settings,  
9 provided that the first midwife members appointed need not be  
10 licensed at the time of appointment if they are actively working toward  
11 licensure under the provisions of sections 324.1230 to 324.1245.

12 2. The initial appointments to the board shall be one member for  
13 a term of one year, one member for a term of two years, one member for  
14 a term of three years, one member for a term of four years, and one  
15 member for a term of five years. After the initial terms, each member  
16 shall serve a five-year term. No member of the board shall serve more  
17 than two consecutive five-year terms. All successor members shall be  
18 appointed for five-year terms. All members shall serve until their  
19 successors have been appointed and qualified. Vacancies occurring in

20 the membership of the board for any reason shall be filled by  
21 appointment by the governor for the unexpired term.

22 3. The public member shall not be, nor have previously been, a  
23 member of any profession regulated by chapter 334 or 335, RSMo, or  
24 under sections 324.1230 to 324.1245, or the spouse or immediate family  
25 member of such person. The public member is subject to the provisions  
26 of section 620.132, RSMo.

27 4. The board may sue and be sued in its own name and its  
28 members need not be named parties. Members of the board shall not  
29 be personally liable, either jointly or severally, for any act or acts  
30 committed in the performance of their official duties as board  
31 members. No board member shall be personally liable for any court  
32 costs which accrue in any action by or against the board.

33 5. Notwithstanding any other provision of law to the contrary,  
34 any appointed member of the board shall receive as compensation an  
35 amount established by the director of the division not to exceed  
36 seventy dollars per day for board business plus actual and necessary  
37 expenses.

38 6. The division shall employ administrative and clerical  
39 personnel necessary to enforce the provisions of sections 324.1230 to  
40 324.1245.

41 7. The board shall hold an annual meeting at which time it shall  
42 elect from its membership a chairperson and a vice chairperson. The  
43 board may hold such additional meetings as may be required in the  
44 performance of its duties. A quorum of the board shall consist of a  
45 majority of its members.

46 8. Pursuant to section 620.106, RSMo, no new licensing activity  
47 or other statutory requirements shall become effective until  
48 expenditures or personnel are specifically appropriated for the purpose  
49 of conducting the business as required to administer the provisions of  
50 sections 324.1230 to 324.1245 and the initial rules filed have become  
51 effective.

324.1233. 1. Applications for licensure as a professional midwife  
2 shall be in writing, submitted to the board on forms prescribed by the  
3 board, and furnished to the applicant. Each application shall contain  
4 a statement that it is made under oath or affirmation that the  
5 information contained therein is true and correct to the best knowledge

6 and belief of the applicant, subject to the penalties provided for the  
7 making of a false affidavit or declaration. Each application shall be  
8 accompanied by the fees required by the board.

9 2. Each applicant for licensure shall:

10 (1) Present evidence of current certification by the North  
11 American Registry of Midwives as a certified professional midwife;

12 (2) Present evidence of current certification in basic life support  
13 for healthcare providers, and either infant cardiopulmonary  
14 resuscitation or neonatal resuscitation; and

15 (3) Comply with the written disclosure requirement under  
16 subsection 1 of section 324.1239.

17 3. The division shall mail a renewal notice to the last known  
18 address of each licensee prior to the renewal date. Failure to provide  
19 the board with the information required for renewal, or to pay the  
20 renewal fee after such notice, shall result in the license expiring. The  
21 license shall be reinstated if, within two years of the renewal date, the  
22 applicant submits the required documentation and pays the applicable  
23 fees as approved by the board.

24 4. Each license issued pursuant to the provisions of this section  
25 shall expire three years after the date of its issuance. Each applicant  
26 for renewal shall submit:

27 (1) Evidence of attendance at a minimum of ten hours per year  
28 of continuing education in midwifery or related fields;

29 (2) Evidence of attendance at a minimum of three hours per year  
30 of peer review;

31 (3) Evidence of current certification in basic life support for  
32 healthcare providers, and either infant cardiopulmonary resuscitation  
33 or neonatal resuscitation; and

34 (4) The renewal fee set by the board.

35 5. The board may refuse to issue or renew any certificate of  
36 registration or authority, permit, or license required pursuant to this  
37 chapter for one or any combination of causes stated in subsection 6 of  
38 this section. The board shall notify the applicant in writing of the  
39 reasons for the refusal and shall advise the applicant of the applicant's  
40 right to file a complaint with the administrative hearing commission as  
41 provided by chapter 621, RSMo. As an alternative to a refusal to issue  
42 or renew any certificate, registration, or authority, the board may, at

43 its discretion, issue a license which is subject to probation, restriction,  
44 or limitation to an applicant for licensure for any one or any  
45 combination of causes stated in subsection 6 of this section. The  
46 board's order of probation, limitation, or restriction shall contain a  
47 statement of the discipline imposed, the basis therefore, the date such  
48 action shall become effective, and a statement that the applicant has  
49 thirty days to request in writing a hearing before the administrative  
50 hearing commission. If the board issues a probationary, limited, or  
51 restricted license to an applicant for licensure, either party may file a  
52 written petition with the administrative hearing commission within  
53 thirty days of the effective date of the probationary, limited, or  
54 restricted license seeking review of the board's determination. If no  
55 written request for a hearing is received by the administrative hearing  
56 commission within the thirty-day period, the right to seek review of the  
57 board's decision shall be considered as waived.

58       6. The board may cause a complaint to be filed with the  
59 administrative hearing commission as provided by chapter 621, RSMo,  
60 against any holder of any certificate of registration or authority,  
61 permit, or license required by this chapter, or any person who has  
62 failed to renew or has surrendered the person's certificate or  
63 registration or authority, permit, or license for any one or any  
64 combination of the following causes:

65       (1) Engaging in conduct detrimental to the health or safety of  
66 either the mother or infant, or both, as determined by the board;

67       (2) Having an unpaid judgment resulting from providing  
68 professional midwifery services;

69       (3) Procuring or attempting to procure a license under sections  
70 324.1230 to 324.1245 by making a false statement, submitting false  
71 information, refusing to provide complete information in response to  
72 a question in an application for licensure, or through any form of fraud  
73 or misrepresentation;

74       (4) Failing to meet the minimum qualifications for licensure or  
75 renewal established under sections 324.1230 to 324.1245;

76       (5) Paying money or other valuable consideration, other than as  
77 provided for under sections 324.1230 to 324.1245, to any member or  
78 employee of the board to procure a license under sections 324.1230 to  
79 324.1245;

80           (6) Incompetency, misconduct, negligence, dishonesty, fraud, or  
81 misrepresentation in the performance of the functions or duties of  
82 professional midwives as prescribed under sections 324.1230 to  
83 324.1245;

84           (7) Violating, assisting, or enabling any person to willfully  
85 disregard any of the provisions of sections 324.1230 to 324.1245, or the  
86 rules of the board for the administration and enforcement of the  
87 provisions of sections 324.1230 to 324.1245;

88           (8) Violating any term or condition of a license issued by the  
89 board under the authority of sections 324.1230 to 324.1245;

90           (9) Obtaining or attempting to obtain any fee, charge, tuition, or  
91 other compensation by fraud, deception, or misrepresentation;

92           (10) Assisting or enabling a person to practice or offer to  
93 practice any profession licensed or regulated by sections 324.1230 to  
94 324.1245 who is not licensed and currently eligible to practice under  
95 sections 324.1230 to 324.1245; or

96           (11) Using any advertisement or solicitation which is false,  
97 misleading, or deceptive to the general public or persons to whom the  
98 advertisement or solicitation is primarily directed.

99           7. After the filing of such complaint before the administrative  
100 hearing commission, the proceedings shall be conducted in accordance  
101 with the provisions of chapter 621, RSMo. Upon a finding by the  
102 administrative hearing commission that the grounds provided in  
103 subsection 6 of this section for disciplinary action are met, the board  
104 may, singly or in combination, warn, censure, or place the person  
105 named in the complaint on probation on such terms and conditions as  
106 the board deems appropriate for a period not to exceed ten years, or  
107 may suspend the person's license, certificate, or permit for an  
108 indefinite period of time, or revoke the person's license, certificate, or  
109 permit, or restrict or limit the person's license, certificate, or permit  
110 for an indefinite period of time, or revoke the person's license,  
111 certificate, or permit, or administer a public or private reprimand, or  
112 deny the person's application for a license, or permanently withhold  
113 issuance of a license or require the person to submit to the care,  
114 counseling, or treatment of physicians designated by the board at the  
115 expense of the individual to be examined, or require the person to  
116 attend such continuing educational courses and pass such examinations

117 as the board may direct.

118       8. The division may promulgate rules as necessary in accordance  
119 with the provisions of chapter 536, RSMo, to implement the provisions  
120 of this section. Any rule or portion of a rule, as that term is defined in  
121 section 536.010, RSMo, that is created under the authority delegated in  
122 this section shall become effective only if it complies with and is  
123 subject to all of the provisions of chapter 536, RSMo, and, if applicable,  
124 section 536.028, RSMo. This section and chapter 536, RSMo, are  
125 nonseverable and if any of the powers vested with the general assembly  
126 pursuant to chapter 536, RSMo, to review, to delay the effective date,  
127 or to disapprove and annul a rule are subsequently held  
128 unconstitutional, then the grant of rulemaking authority and any rule  
129 proposed or adopted after August 28, 2008, shall be invalid and void.

324.1235. 1. The board shall promulgate rules as necessary in  
2 accordance with the provisions of chapter 536, RSMo, to establish:

3       (1) An application process and administrative procedures for  
4 processing applications and issuing professional midwife licenses and  
5 for conducting disciplinary proceedings under the provisions of  
6 sections 324.1230 to 324.1245;

7       (2) Practice guidelines consistent with standards regarding the  
8 practice of midwifery established by the North American Registry of  
9 Midwives and the National Association of Certified Professional  
10 Midwives, or a successor organization whose essential documents  
11 include without limitation subject matter concerning scope of practice,  
12 standards of practice, informed consent, appropriate consultation,  
13 collaboration or referral, including the development of collaborative  
14 relationships with other healthcare practitioners who can provide care  
15 outside the scope of midwifery practice when necessary; and

16       (3) Reasonable rules as deemed necessary by the board to carry  
17 out and enforce the provisions of sections 324.1230 to 324.1245.

18       2. The board shall:

19       (1) Investigate to verify such applicant's qualifications. If the  
20 results of the investigation are satisfactory to the board and the  
21 applicant is otherwise qualified, the board shall issue to the applicant  
22 a license authorizing the applicant to act as a professional midwife in  
23 Missouri;

24       (2) Set the amount of fees authorized by sections 324.1230 to

25 324.1245 and required by rules promulgated under section 536.021,  
26 RSMo. The fees shall be set at a level to produce revenue that does not  
27 substantially exceed the cost and expense of administering sections  
28 324.1230 to 324.1245;

29 (3) Perform such other functions and duties as necessary to  
30 carry out the provisions of sections 324.1230 to 324.1245;

31 (4) Provide a form for use in the event of transfer to emergency  
32 care detailing for the mother:

33 (a) Name, age, and birth date;

34 (b) Parity;

35 (c) Estimated delivery date;

36 (d) Results of routine blood tests;

37 (e) Results of any lab tests;

38 (f) Reason for transfer of care; and

39 (g) Vital signs;

40 (5) Provide a form for use in the event of transfer to emergency  
41 care detailing for the baby:

42 (a) Name of the mother and the baby;

43 (b) Sex of the baby;

44 (c) Estimated gestational age;

45 (d) Vital signs;

46 (e) APGAR scores; and

47 (f) Reason for transfer of care.

48 3. Any rule or portion of a rule, as that term is defined in section  
49 536.010, RSMo, that is created under the authority delegated in this  
50 section shall become effective only if it complies with and is subject to  
51 all of the provisions of chapter 536, RSMo, and, if applicable, section  
52 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable  
53 and if any of the powers vested with the general assembly pursuant to  
54 chapter 536, RSMo, to review, to delay the effective date, or to  
55 disapprove and annul a rule are subsequently held unconstitutional,  
56 then the grant of rulemaking authority and any rule proposed or  
57 adopted after August 28, 2008, shall be invalid and void.

324.1237. There is hereby established in the treasury a fund to  
2 be known as the "Board of Professional Midwives Fund" which shall  
3 consist of all gifts, donations, transfers, and moneys appropriated by  
4 the general assembly. All funds received by the board pursuant to the



5 provisions of sections 324.1230 to 324.1245 shall be collected by the  
6 director of the department who shall transmit the funds to the  
7 department of revenue for deposit in the state treasury to the credit of  
8 the board of professional midwives fund. Notwithstanding the  
9 provisions of section 33.080, RSMo, to the contrary, any moneys in the  
10 fund shall not be transferred and placed to the credit of the general  
11 revenue fund until the amount in the fund at the end of the biennium  
12 exceeds three times the amount of the appropriation from the fund for  
13 the preceding fiscal year.

324.1239. 1. Every licensed professional midwife shall present a  
2 written disclosure statement to each client, which shall be signed by  
3 the client and kept with the client's records, and which shall include  
4 but not be limited to, the following:

5 (1) A description of professional midwifery education and related  
6 training;

7 (2) Licensure as a professional midwife, including the effective  
8 dates of the licensure;

9 (3) The benefits and risks associated with childbirth in the  
10 setting selected by the client;

11 (4) A statement concerning the licensed professional midwife's  
12 collaborative arrangements with other healthcare professionals,  
13 including licensed physicians;

14 (5) A statement concerning the licensed professional midwife's  
15 malpractice or liability insurance coverage; and

16 (6) A written plan, specific to the client, for obtaining medical  
17 care, when necessary, which shall include:

18 (a) The name and phone number of the hospital or other  
19 healthcare facility to which transfer is preferred should emergency  
20 care become necessary; and

21 (b) The plan, protocol, or standing order for fulfilling maternal  
22 screening tests and laboratory work required by state statute.

23 2. Licensed professional midwives shall carry medical  
24 malpractice insurance under the same conditions described for  
25 physicians in section 383.500, RSMo.

26 3. Licensed professional midwives may be reimbursed for  
27 professional midwifery services under the MO HealthNet program.

324.1240. 1. Nothing in sections 324.1230 to 324.1245 shall be

2 construed to apply to a person who provides information and support  
3 in preparation for labor and delivery and assists in the delivery of an  
4 infant if that person does not do the following:

- 5 (1) Advertise as a midwife or as a provider of midwife services;
- 6 (2) Accept compensation for midwife services; and
- 7 (3) Use any words, letters, signs, or figures to indicate that the  
8 person is a midwife.

9 2. Nothing in sections 324.1230 to 324.1245 shall be construed to  
10 prohibit the attendance at birth of the mother's choice of family,  
11 friends, or other uncompensated labor support attendants.

324.1241. 1. Any hospital, physician, nurse, emergency services  
2 personnel, or any other licensed health care professional who renders  
3 emergency care, treatment, or assistance to any person or persons,  
4 when the need of such care, treatment, or assistance arises from care  
5 provided by a licensed professional midwife, shall not be held liable for  
6 any civil damages except for acts of gross negligence or those  
7 occasioned by willful and wanton acts by such person in rendering such  
8 emergency care, treatment, or assistance.

9 2. A licensed health care provider or facility shall not be  
10 disciplined for assisting, enabling, aiding, procuring, advising, or  
11 encouraging any person licensed to practice professional midwifery  
12 who is practicing within the confines of sections 324.1230 to 324.1245.

324.1242. 1. When a birth or stillbirth occurs without a physician  
2 in attendance at or immediately after the birth or stillbirth, but with  
3 a licensed professional midwife in attendance at or immediately after  
4 the birth, it shall be the responsibility of the licensed professional  
5 midwife to prepare and file the certificate of birth as required by  
6 section 193.085, RSMo, and the reports required under section 193.165,  
7 RSMo, and section 210.050, RSMo.

8 2. Licensed professional midwives shall follow the newborn  
9 screening requirements for health care providers with respect to  
10 infants born in this state as described under subsections 1, 2, and 5 of  
11 section 191.331, RSMo.

12 3. Licensed professional midwives shall be required to retain  
13 patient records for a period of six years and keep such records  
14 confidential consistent with the provisions of the federal Health  
15 Insurance Portability and Accountability Act, as amended.

**324.1243. No licensed professional midwife shall be permitted to:**

- 2       **(1) Prescribe drugs;**
- 3       **(2) Perform medical inductions or cesarean sections during the**  
4 **delivery of an infant;**
- 5       **(3) Use forceps during the delivery of an infant;**
- 6       **(4) Perform vacuum delivery of an infant;**
- 7       **(5) Perform an abortion as defined in chapter 188, RSMo; or**
- 8       **(6) Administer prescription drugs, with exceptions limited to:**
  - 9       **(a) Neonatal use of prophylactic ophthalmic medications as**  
10 **required in section 210.070, RSMo, vitamin K, and oxygen; and**
  - 11       **(b) Maternal use of Rho (D) immune globulin, oxygen, local**  
12 **anesthetic, and oxytocin and methylergonovine maleate as postpartum**  
13 **antihemorrhagics.**

**324.1244. 1. Notwithstanding any other provision of law, a**  
2 **licensed professional midwife providing a service of professional**  
3 **midwifery shall not be deemed to be engaged in the practice of**  
4 **medicine, nursing, nurse-midwifery, or any other medical or healing**  
5 **practice.**

6       **2. The provisions of sections 324.1230 to 324.1245 shall be**  
7 **remedial and curative in nature.**

**324.1245. Any person who violates the provisions of sections**  
2 **324.1230 to 324.1245, or any rule or order promulgated under authority**  
3 **granted by sections 324.1230 to 324.1245 is guilty of a class A**  
4 **misdemeanor.**

**334.010. 1. It shall be unlawful for any person not now a registered**  
2 **physician within the meaning of the law to practice medicine or surgery in any**  
3 **of its departments, to engage in the practice of medicine across state lines or to**  
4 **profess to cure and attempt to treat the sick and others afflicted with bodily or**  
5 **mental infirmities, [or engage in the practice of midwifery] in this state, except**  
6 **as herein provided. The practice of professional midwifery is not the**  
7 **practice of medicine or osteopathy within the meaning of chapter 334,**  
8 **RSMo, and not subject to the provisions of the chapter.**

9       **2. For the purposes of this chapter, the "practice of medicine across state**  
10 **lines" shall mean:**

- 11       **(1) The rendering of a written or otherwise documented medical opinion**  
12 **concerning the diagnosis or treatment of a patient within this state by a**  
13 **physician located outside this state as a result of transmission of individual**

14 patient data by electronic or other means from within this state to such physician  
15 or physician's agent; or

16 (2) The rendering of treatment to a patient within this state by a  
17 physician located outside this state as a result of transmission of individual  
18 patient data by electronic or other means from within this state to such physician  
19 or physician's agent.

20 3. A physician located outside of this state shall not be required to obtain  
21 a license when:

22 (1) In consultation with a physician licensed to practice medicine in this  
23 state; and

24 (2) The physician licensed in this state retains ultimate authority and  
25 responsibility for the diagnosis or diagnoses and treatment in the care of the  
26 patient located within this state; or

27 (3) Evaluating a patient or rendering an oral, written or otherwise  
28 documented medical opinion, or when providing testimony or records for the  
29 purpose of any civil or criminal action before any judicial or administrative  
30 proceeding of this state or other forum in this state; or

31 (4) Participating in a utilization review pursuant to section 376.1350,  
32 RSMo.

334.120. 1. There is hereby created and established a board to be known  
2 as "The State Board of Registration for the Healing Arts" for the purpose of  
3 registering, licensing and supervising all physicians and surgeons[, and  
4 midwives] in this state. **The purpose of the board shall not include**  
5 **registering, licensing, or supervising of professional midwives.** The  
6 board shall consist of nine members, including one voting public member, to be  
7 appointed by the governor by and with the advice and consent of the senate, at  
8 least five of whom shall be graduates of professional schools accredited by the  
9 Liaison Committee on Medical Education or recognized by the Educational  
10 Commission for Foreign Medical Graduates, and at least two of whom shall be  
11 graduates of professional schools approved and accredited as reputable by the  
12 American Osteopathic Association, and all of whom, except the public member,  
13 shall be duly licensed and registered as physicians and surgeons pursuant to the  
14 laws of this state. Each member must be a citizen of the United States and must  
15 have been a resident of this state for a period of at least one year next preceding  
16 his or her appointment and shall have been actively engaged in the lawful and  
17 ethical practice of the profession of physician and surgeon for at least five years

18 next preceding his or her appointment. Not more than four members shall be  
19 affiliated with the same political party. All members shall be appointed for a  
20 term of four years. Each member of the board shall receive as compensation an  
21 amount set by the board not to exceed fifty dollars for each day devoted to the  
22 affairs of the board, and shall be entitled to reimbursement of his or her expenses  
23 necessarily incurred in the discharge of his or her official duties. The president  
24 of the Missouri State Medical Association, for all medical physician appointments,  
25 or the president of the Missouri Association of Osteopathic Physicians and  
26 Surgeons, for all osteopathic physician appointments, in office at the time shall,  
27 at least ninety days prior to the expiration of the term of the respective board  
28 member, other than the public member, or as soon as feasible after the  
29 appropriate vacancy on the board otherwise occurs, submit to the director of the  
30 division of professional registration a list of five physicians and surgeons  
31 qualified and willing to fill the vacancy in question, with the request and  
32 recommendation that the governor appoint one of the five persons so listed, and  
33 with the list so submitted, the president of the Missouri State Medical  
34 Association or the Missouri Association of Osteopathic Physicians and Surgeons,  
35 as appropriate, shall include in his or her letter of transmittal a description of the  
36 method by which the names were chosen by that association.

37       2. The public member shall be at the time of his or her appointment a  
38 citizen of the United States; a resident of this state for a period of one year and  
39 a registered voter; a person who is not and never was a member of any profession  
40 licensed or regulated pursuant to this chapter or the spouse of such person; and  
41 a person who does not have and never has had a material, financial interest in  
42 either the providing of the professional services regulated by this chapter, or an  
43 activity or organization directly related to any profession licensed or regulated  
44 pursuant to this chapter. All members, including public members, shall be  
45 chosen from lists submitted by the director of the division of professional  
46 registration. The duties of the public member shall not include the determination  
47 of the technical requirements to be met for licensure or whether any person meets  
48 such technical requirements or of the technical competence or technical judgment  
49 of a licensee or a candidate for licensure.

376.1753. [Notwithstanding any law to the contrary, any person who holds  
2 current ministerial or tocological certification by an organization accredited by  
3 the National Organization for Competency Assurance (NOCA) may provide  
4 services as defined in 42 U.S.C. 1396 r-6(b)(4)(E)(ii)(I).] **Licensed professional**

5 **midwives under sections 324.1230 to 324.1245, RSMo, may be**  
6 **compensated for professional midwife services by a health benefit plan**  
7 **or insurer under this chapter.**

[334.260. On August 29, 1959, all persons licensed under  
2 the provisions of chapter 334, RSMo 1949, as midwives shall be  
3 deemed to be licensed as midwives under this chapter and subject  
4 to all the provisions of this chapter.]

Section B. Because of the need to provide clarity on the issue of the  
2 practice of midwifery, section A of this act is deemed necessary for the immediate  
3 preservation of the public health, welfare, peace and safety, and is hereby  
4 declared to be an emergency act within the meaning of the constitution, and  
5 section A of this act shall be in full force and effect upon its passage and  
6 approval.

✓

Bill

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